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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/711,357	09/14/2004	Tianmo Lei		5356

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TIANMO LEI
775 ENRIGHT AVE.
SANTA CLARA, CA 95050

EXAMINER

LABAZE, EDWYN

ART UNIT PAPER NUMBER

2876

DATE MAILED: 06/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

AK

Office Action Summary

Application No.

10/711,357

Applicant(s)

LEI, TIANMO

Examiner

EDWYN LABAZE

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 March 2005.
 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) ☐ Claim(s) _____ is/are allowed.
 6) ☒ Claim(s) 1-4 is/are rejected.
 7) ☐ Claim(s) _____ is/are objected to.
 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
 * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
 Paper No(s)/Mail Date _____.
 4) ☐ Interview Summary (PTO-413)
 Paper No(s)/Mail Date. _____.
 5) ☐ Notice of Informal Patent Application (PTO-152)
 6) ☐ Other: _____.

DETAILED ACTION

1. Receipt is acknowledged of amendments filed on 3/17/2005.
2. Claims 1-4 are presented for examination.

Claim Objections

3. Claims 1-4 are objected to because of the following informalities:

Re claims 1-2 (page 6; lines 1, 22): Substitute "The system..." with "A system..." and "The method..." with "A method...".

Re claims 3-4 (page 7; lines 10, 17): Substitute "The system..." with "A system..." wherein all the claims are independent claims.

Re claim 3 & 4 (page 7; lines 10, 17): The applicant discloses the limitations "the sound" and "the 2-dimensional bar code". There is no antecedent for this limitation. The applicant is respectfully requested to amend the claim by substituting "the sound" with "a sound" and "the 2-dimensional bar code" with "a 2-dimensional bar code".

Appropriate correction is required.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bell et al. (U.S. 5,276,472) in view of Yamada et al. (U.S. 5,873,735).

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Re claims 1-2: Bell et al. (hereinafter referred as "Bell") discloses photographic film still camera system with audio recording, which includes means for recording and digitizing the said sound to produce a digital sound data using microphone 17 and various recorders (col.2, lines 40+; col.4, lines 1-55), means for entering the digital sound data into a computer means {herein described as processing circuit 24} (col.4, lines 35+), means for printing {through the printer 43} the barcode 45 on to the side of the said photograph, which appears as a graphic picture, using the processing circuit 24 and a printer, means for printing the barcode on to the back of the photograph [as shown in fig . # 5], which appears as a graphic picture, using the processing circuit 24 and a printer (col.5, lines 35+), means for scanning [through the reproduction, hand-held playback 50] the graphic picture to produce digital data representing the information of the barcode, using the processing circuit 24 and a scanner 50 (col.5, lines 55+; col.6, lines 11+; col.6, lines 60+), means for decoding [through an optical decoder 53] and uncompressing the digital data of the barcode to produce the digital sound data, (col.5, lines 59+; col.6, lines 18+), means for playing [through the playback device 50 and playback circuits 41] the digital sound data to sound, using the processing circuit 24 and a speaker 20 (col.4, lines 45+; col.5, lines 17-67).

Bell et al. fails to specifically teach a personal computer and a two-dimensional bar code.

Yamada et al. teaches information reproducer and information creating unit, which includes means for compressing and encoding the said digital sound data into a 2-dimensional barcode using a CPU (col.7, lines 39+),

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In view of Yamada et al.'s teachings, it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to employ into the teachings of Bell et al. a personal computer and a two-dimensional bar code so as to provide means for adding supplemental data to images. Furthermore, such modification would enable storing efficiently both visual and sound information. Moreover, such modification would have been an obvious extension as taught by Bell et al.

6. Claims 3-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bell et al. (U.S. 5,276,472) in view of Yamaguchi et al. (US 2003/0198383).

The teachings of Bell et al. have been discussed above.

Bell et al. fails to teach a cellular phone with an embedded camera.

Yamaguchi et al. discloses image data processing and method thereof, which includes a cell phone 41 with an embedded camera/scanner 32 used to shoot a photograph (as shown in figs. # 3,5,7,9, and 11; paragraphs 0035-0042, 0069-0074; and 0082+)

In view of Yamaguchi et al.'s teachings, it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to employ into the teachings of Bell et al. a cellular phone with a camera {herein also interpreted as a digital camera} as another means of taking a picture. Furthermore, cell phone with embedded a camera or scanning technology is well known in the industry (as exemplified by the examiner in the following US patents/applications: 6,532,035 of Saari et al.; 6,823,198 of Kobayashi; 2002/0187818 of Kang; 2004/0014490 of Muramatsu et al.) and is beneficial to the user providing an added feature, a digital camera/scanner with play back means, to the use of wireless phone and wherein the photograph/symbol can be wirelessly

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downloaded/printed to a remote personal computer. Moreover, such modification would have been an obvious extension as taught by Bell et al., therefore an obvious expedient.

Response to Arguments

7. Applicant's arguments with respect to claims 1-4 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

McIntyre et al. (U.S. 6,102,505) discloses recording audio and electronic images.

Edwards (U.S. 6,180,312) teaches photographic imaging system incorporating metadata recording capability.

Nelson et al. (U.S. 6,431,448) discloses keyed data-and-print album page.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to EDWYN LABAZE whose telephone number is (571) 272-2395. The examiner can normally be reached on 7:30 AM - 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on (571) 272-2398. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

el
Edwyn Labaze
Patent Examiner
Art Unit 2876
May 31, 2005



THIEN M. LE
PRIMARY EXAMINER